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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/717,121	11/22/2000	Jari T. Vikberg	000505-021	2474

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ERICSSON INC.
6300 LEGACY DRIVE
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PLANO, TX 75024

EXAMINER

WAHBA, ANDREW W

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 06/21/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/717,121

Applicant(s)

VIKBERG ET AL.

Examiner

Andrew W Wahba

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 30-31 is/are allowed.
- 6) ☒ Claim(s) 1-4, 5-18 and 20-26 is/are rejected.
- 7) ☒ Claim(s) 19 and 27-29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage / application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "access control part" (claim 1, line 3) must be shown or the feature(s) canceled from the claim(s). The Office understands the access control part to be either BSC 102 or be HBSC 105. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-4 and 11-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claim 1, the applicant claims an "access control part arranged to communicated with said core network portion over a predetermined licensed mobile network interface" (lines 2-4). From this portion of the claim, the office understands the access control part to be BSC 102.

The applicant also claims a "at least one base station arranged to communicate with mobile terminals over an unlicensed radio interface and a fixed broadband network connecting said access control part and said at least one base station" (lines 6-9). From this portion of the claim, the office understands the access control part to be HBSC 105.

With regard to claim 11 the applicant claims an "access network controller" (line 1). It is not clear whether the "access network controller" is the same as the "access control part" of claim 1 (line 2). MPEP 608.01(o) states "a confusing variety of terms for the same thing should not be permitted".

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1, 3, 4, 8, 9, 10, 11 and 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Bell (6,445,921) in view of Karlsson et al (6,246,670).

With regard to claims 1, 8 and 11, Bell discloses a dual mode handset 110 having a cellular mode that may be GSM (licensed mobile network interface) and a cordless mode for a connection to a cordless system that may be Bluetooth (unlicensed radio interface) (column 2, lines 35-40). Bell discloses a cellular network 130 and a

cordless base station 150 (one base station) that together read on the applicant's access network portion. Both the cellular network 130 and a cordless base station 150 (one base station) are connected to a PSTN network 140 (core network portion) as illustrated in Fig. 1 (column 2, lines 45-58). The cellular network 130 may be GSM (licensed mobile network interface) and the cordless base station 150 (one base station) may be Bluetooth telephony (unlicensed radio interface) (column 2, lines 35-40). It is inherent that upper level messages are transmitted between dual mode handset 110 and the cellular network 130 or cordless base station 150.

Bell does not explicitly describe the makeup of either cellular network 130 or the cordless base station 150 and therefore does not disclose either an access control part or a fixed broadband network connecting an access control part and the base station. Karlsson et al discloses a base station 22 (one base station) coupled to (fixed broadband network) base station controller 24 (access control part/access network controller) as illustrated by Fig 1 (Karlsson et al - column 5, lines 5-10).

A person of ordinary skill in the art would have been motivated to employ Karlsson et al in Bell to control the operation of the base station (Karlsson et al - column 5, lines 6-7). At the time the invention was made, therefore, it would have been obvious to one of ordinary skill in the art to which the invention pertains to combine the base station controller disclosed by Karlsson et al with the base station disclosed by Bell to obtain the invention specified in claim 1.

With regard to claims 3, Bell discloses that the unlicensed portion may be spread spectrum (broadband) (column 2, line39).

With regard to claims 4, Bell discloses a dual mode handset 110 having a cordless mode for a connection to a cordless system that may be Bluetooth (Bluetooth) (column 2, lines 35-40).

With regard to claim 9, Bell discloses a dual mode (first/second interface) handset 110 (mobile terminal) having a cellular mode that may be GSM (first interface) and a cordless mode for a connection to a cordless system that may be Bluetooth (second interface) (column 2, lines 35-40).

With regard to claim 10, Bell discloses a cellular network 130 and a cordless base station 150 both of which are connected to a PSTN network 140 (IP-based fixed network) (column 2, lines 45-58). It is inherent that upper level messages are transmitted between dual mode handset 110 and the cellular network 130 or cordless base station 150.

With regard to claim 12, it is inherent that upper level messages are transmitted between dual mode handset 110 and the cellular network 130 or cordless base station 150 and accordingly would be passed between the base station coupled to (fixed network) the base station controller. Applicant should note that "said fixed network" (lines 2-3) should read "said fixed broadband network" as in independent claim 11.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 5, 6, 7, 16, 21, 22, 23, 24, 25 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Bell (6,445,921).

With regard to claim 5, Bell discloses a dual mode handset 110 (mobile terminal) having a cellular mode that may be GSM (mobile network interface) and a cordless mode for a connection to a cordless system that may be Bluetooth (unlicensed radio interface) (column 2, lines 35-40). Bell discloses a cellular network 130 and a cordless base station 150 that together read on the applicant's access network. Both the cellular network 130 and a cordless base station 150 are connected to a PSTN network 140 (core network portion) as illustrated in Fig. 1 (column 2, lines 45-58). It is inherent that upper level messages are transmitted between dual mode handset 110 and the cellular network 130 or cordless base station 150.

With regard to claim 16, Bell discloses a dual mode handset 110 (mobile terminal) having a cellular mode that may be GSM (licensed public mobile network air interface) and a cordless mode for a connection to a cordless system that may be Bluetooth (unlicensed radio interface) (column 2, lines 35-40). Bell discloses a cellular network 130 (plurality of base station systems) and a cordless base station 150 (local base station) that together read on the applicant's access network. Both the cellular network 130 and a cordless base station 150 are connected to a PSTN network 140 (core network portion) as illustrated in Fig. 1 (column 2, lines 45-58). It is inherent that

upper level messages are transmitted between dual mode handset 110 and the cellular network 130 or cordless base station 150.

With regard to claim 23, Bell discloses a dual mode (first/second interface) handset 110 (mobile terminal) having a cellular mode that may be GSM (licensed public mobile network radio interface) and a cordless mode for a connection to a cordless system that may be Bluetooth (unlicensed radio link) (column 2, lines 35-40). Bell discloses a cellular network 130 (access network portion) and a cordless base station 150 (modified access network portion) that together read on the applicant's access network. Both the cellular network 130 and a cordless base station 150 are connected to a PSTN network 140 (core network portion) as illustrated in Fig. 1 (column 2, lines 45-58). It is inherent that upper level messages are transmitted between dual mode handset 110 and the cellular network 130 or cordless base station 150.

With regard to claims 6, 21 and 25, Bell discloses that the unlicensed portion may be spread spectrum (broadband) (column 2, line 39).

With regard to claims 7, 22, and 26, Bell discloses a dual mode handset 110 having a cordless mode for a connection to a cordless system that may be Bluetooth (Bluetooth) (column 2, lines 35-40).

With regard to claim 24, Bell discloses a dual mode (first/second interface) handset 110 (mobile terminal) having a cellular mode that may be GSM (first interface) and a cordless mode for a connection to a cordless system that may be Bluetooth (second interface) (column 2, lines 35-40). It is inherent that upper level messages are

transmitted between dual mode handset 110 and the cellular network 130 or cordless base station 150.

Allowable Subject Matter

6. Claims 30 and 31 are allowed. Claims 2 and 15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 19 and 27-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew W Wahba whose telephone number is (703) 305-4684. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas W Olms can be reached on (703) 305-4703. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

Andrew Wahba

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June 3, 2004



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